

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Serial Number: 09/673,333 (§371 of PCT/CA99/00293)

Applicants: MIKI *et al.*

Title: SEED-COAT PROMOTERS, GENES AND GENE PRODUCTS

Attorney Docket No.: 1096.001C

"EXPRESS MAIL" Mailing Label No.: EL737085961US

Date of Deposit: February 28, 2001

Enclosed are:

- \* Response to the Notification of Missing Requirements;
- \* A copy of the Notification of Missing Requirements;
- \* Executed Declaration and Power of Attorney;
- \* A check for \$130.00 as Surcharge for Late Filing of the Declaration;
- \* Request for Extension of Time;
- \* A check for \$390.00 for One Month Extension of Time; and
- \* One Postcard

Certification

I hereby certify that this paper and the indicated enclosures are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to:

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Rosalind Q. Spiller

(Typed or printed name of person mailing paper or fee)

Rosalind Q. Spiller  
(Signature of person mailing paper or fee)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE ELECTED OFFICE (EO/US)**

Applicants: MIKI *et al.*

Serial No.: 09/673,333  
526 Rec'd PCT/PTO 13 Oct 2000  
U.S. National Phase of: PCT/CA99/00293  
International Filing Date: 13 April 1999  
Priority Data: 13 April 1998 US 09/059,090

Title: SEED-COAT PROMOTERS, GENES AND GENE PRODUCTS

ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

Dear Sir:

This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) that was mailed on 19 DEC 00. In light of the accompanying Request and Fee for Extension of Time, this response is timely filed.

As response to the Notification of Missing Requirements, Applicants submit:

- (1) A Declaration executed in accordance with 37 CFR 1.68 and in compliance with 37 CFR 1.497(a) and (b), identifying the application by the United States Serial Number (09/673,333), the International Application Number (PCT/CA99/00293) and the International Filing Date (13 April 1999);
- (2) A check in the amount of \$130.00 as surcharge for providing the Declaration later than 30 months from the priority date (13 April 1998);
- (3) A Request for Extension of Time (with a check in the amount of \$390.00);
- (4) A copy of the Notification of Missing Requirements; and
- (5) Certificate of Mailing by Express Mail.

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Applicants note that the Declaration is filed as copy of the original document. In accordance with 37 CFR 1.4, the original will be retained in Applicants' file and provided if requested by the Office for authenticity purposes.

The Commissioner is hereby authorized to charge any further deficiencies in fees and to credit any overpayment of fees to Deposit Account Number 08-1935.

Respectfully submitted,

Date: February 28, 2001

  
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COPY



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

#3

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/673333	MIKI	B
HESLIN & ROTHENBERG, PC 5 COLUMBIA CIRCLE ALBANY, NY 12203		1096.001C
INTERNATIONAL APPLICATION NO.		
PCT/CA99/00293		
I.A. FILING DATE	PRIORITY DATE	
13 APR 99	13 APR 98	
DATE MAILED: 19 DEC 00		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed OCT 13 2000 and

☐ Information Disclosure Statement(s) filed and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other: 306

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

John Anderson

Telephone: 703-308-9116

DOCKETED 1/19/01